IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.5505 of 2006

Date of Decision: October 15, 2007

Smt.Sona Devi .....Petitioner

Versus

Prem Singh and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Bhag Singh, Advocate for the petitioner.

Mr.Baldev Singh, Advocate for respondent No.1.

S. D. ANAND, J.

1. The plea, preferred by the petitioner (a non-party to the suit) under Order 1 Rule 10 of the Code of Civil Procedure (hereinafter referred to as "the Code") for being impleaded as a party, was declined by the learned Trial Court vide impugned order dated 24.7.2006. The dis-allowance of the application proceeds on a premise that though the petitioner-applicant averred to have acquired title to the property in suit on the basis of sale-deeds dated 28.1.2002 and 30.12.2002, no copies of those sale-deeds had been placed on record to buttress the plea.

2. Learned counsel for the petitioner states that a copy of the sale-deeds aforementioned is indeed available with him and would be produced before the learned Trial Court, if an opportunity for the purpose is afforded by this Court.

3. In the peculiar circumstances of the case, the petition shall

stand allowed. The impugned order, dated 24.7.2006, shall stand set aside. The plea, preferred by the petitioner under Order 1 Rule 10 of the Code, shall be disposed of afresh by the learned Trial Court in accordance with law, after the parties have been afforded opportunity to place whatever documentary material they want to place on record in the context of the plea under Order 1 Rule 10 of the Code. The parties, through their counsel, are directed to appear before the learned Trial Court on 13.11.2007.

(S. D. ANAND)
JUDGE

October 15, 2007
SRM

Note: Whether referred to reporter ? Yes/No